

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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In re: ) P. & S. Docket No. D-99-0011  
Todd Syverson, d/b/a Syverson )  
Livestock Brokers, )  
Respondent ) Decision

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.), hereinafter "the Act", by a complaint filed by James Baker, Administrator, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that the Respondent wilfully violated the Act. This complaint was amended to add new allegations on October 12, 2000. This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondent admits the jurisdictional allegations in paragraph I of the complaint and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

Complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent Todd Syverson, hereinafter referred to as Respondent, is an individual whose business address is P.O. Box 1, Wanamingo, Minnesota 55963.
2. Respondent is, and at all times material herein was:
  - (a) Engaged in the business of buying livestock in commerce on a commission basis; and
  - (b) Engaged in the business of buying and selling livestock in commerce for

his own account; and

(c) Registered with the Secretary of Agriculture as an individual doing business as Syverson Livestock Brokers, as a dealer to buy and sell livestock in commerce for his own account and as a market agency buying on commission.

### Conclusions

Respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

### Order

Respondent Todd Syverson, his agents and employees, directly, doing business as Syverson Livestock Brokers, or through any corporate or other device, in connection with his operations subject to the Packers and Stockyards Act, shall cease and desist from:

1. Buying livestock from customers on the basis of false and incorrect purchase prices, weights and designation of the buyer;
2. Misrepresenting to customers that he was purchasing livestock for a packer on a hot carcasses weight basis to be determined at the packing plant when the livestock was neither purchased on a hot carcass weight basis for the packer as agent, or purchased for sale to the packer on a hot carcasses weight basis;
3. Issuing accounts of purchase or sale which fail to show the true and correct nature of the livestock transaction accounted for therein, including, but not limited to the true and correct purchase or sale price, the type of weight used for calculating payment, and the location where the livestock was sold; and
4. Preparing false invoices or other documents, including scale tickets and

condemnation certificates, for the purpose of concealing or disguising fraudulent decreases in the amounts owed for livestock purchases, the identity of the livestock buyer and the actual number of cattle for which payment is owed; and

5. Misrepresenting to customers that he would sell their livestock for them at a livestock auction market and then selling their livestock for his own account and causing false records to be prepared showing a false prior purchase of the livestock by Respondent at a lower purchase price.

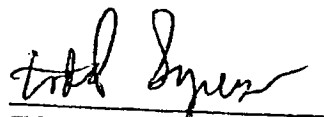
Respondent shall keep and maintain accounts, records and memoranda which fully and correctly disclose all transactions involved in his business subject to the Act, including, but not limited to purchase invoices, sales invoices, scale tickets, purchase and sale journals, and other records which disclose, fully and correctly, all information related to the purchase and sale of livestock and trace all livestock from their purchase through their resale.


Respondent is suspended as a registrant under the Act for a period of two years provided, however, that this suspension may be terminated after 90 days upon demonstration to the Packers and Stockyards Programs, GIPSA, that restitution in the total amount of \$13,151.45 has been made to the dairy farmers named in the amended complaint; and further provided that this order may be modified to permit Respondent's salaried employment by another registrant or packer in a capacity that does not involve the buying and selling of livestock, or the preparation of any livestock purchase and sale transaction records, after the expiration of the initial 90 days of this suspension term upon demonstration to the Packers and Stockyards Programs, GIPSA, of circumstances warranting modification of the order.

It is further provided that this suspension shall not prohibit Respondent from purchasing and selling livestock in the course of a legitimate farming operation where Respondent's profit is derived from raising the livestock, and not from speculative resale. The parties stipulate that Respondent shall be deemed to be engaged in a legitimate farming operation if he: (1) holds any livestock that he owns at the time his suspension becomes effective, or that he may purchase during the period that his suspension remains in effect, on pasture for at least 90 days from its purchase date before resale; (2) places consecutively numbered ear tags on these livestock; and (3) enters the ear tag numbers on his purchase, inventory, and sales records.

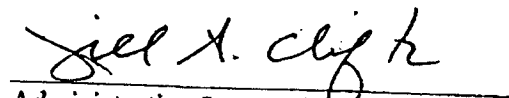
The provisions of this Order shall become effective on the sixth day after service of this order on the Respondent.

Copies of this decision shall be served upon the parties.

  
TODD SYVERSON  
Respondent

  
ERIC PAUL  
Attorney for Complainant

Issued this <sup>12<sup>th</sup></sup> day of June, 2001

  
Administrative Law Judge